



Agenda Date: 04/14/04  
Agenda Item: IV B

## STATE OF NEW JERSEY

**Board of Public Utilities**  
**Two Gateway Center**  
**Newark, NJ 07102**  
[www.bpu.state.nj.us](http://www.bpu.state.nj.us)

### TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT APPLICATION OF	)	<u>ORDER APPROVING</u>
UNITED TELEPHONE COMPANY OF NEW JERSEY	)	<u>INTERCONNECTION</u>
AND CTC COMMUNICATIONS CORPORATION FOR	)	<u>AGREEMENT</u>
APPROVAL OF AN OPT-IN MASTER INDIRECT	)	
TRAFFIC TERMINATION AGREEMENT UNDER	)	
SECTION 252 OF THE TELECOMMUNICATIONS ACT	)	
OF 1996	)	DOCKET NO. T002080599

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated August 23, 2002, United Telephone Company of N.J. ("United"), and CTC Communications Corporation ("CTC Communications"), (individually, "a Party", and jointly, "the Parties"), pursuant to Section 252(e) of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, (codified in scattered sections of 47 U.S.C. §151 *et seq.*) ("the Act"), submitted to the Board of Public Utilities ("Board") a joint application ("Application") for approval of a negotiated interconnection agreement, titled "Master Interconnection Agreements for the State of New Jersey" and dated July 1, 2002 (Agreement). United is an incumbent local exchange carrier as defined by the Act with the duty to negotiate interconnection agreements pursuant to Section 252 of the Act. See 47 U.S.C. §251(c) and §251(h)(1).

CTC Communications has exercised its rights under Section 252(i) of the Act to opt into an interconnection agreement previously approved between United and PaeTec Communications.

The Agreement sets forth the terms, conditions and prices under which United will offer and provide access to unbundled network elements, ancillary services, and wholesale telecommunications services available for resale to CTC Communications. The Agreement is in effect until July 1, 2002, and thereafter as noted in the Agreement continues in full force and effect unless terminated as provided in the Agreement.

Pursuant to 47 U.S.C. §252(a)(1), an incumbent LEC may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service or network elements. In addition, 47 U.S.C. §252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board to approve or reject the Agreement, with written findings as to any deficiencies. The Act provides that the Board may reject a negotiated agreement only if it finds that: (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the

public interest, convenience, and necessity. [47 U.S.C. §252(e)(2)(A)].

The Board's review of the Agreement and the record in this matter indicates that the Agreement is consistent with the public interest, convenience and necessity, and that the Agreement does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board FINDS that the Agreement meets the standards set forth in the Act, and HEREBY APPROVES the Agreement as presented by the Parties. This approval should not be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement, nor shall the Board be bound by any provisions within the Agreement including provisions regarding the confidentiality of information.

The Board notes that amendments or modifications to Board approved interconnection agreements are subject to Board review and approval. No agreement shall be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board.

DATED: 4/14/04

BOARD OF PUBLIC UTILITIES  
BY:

signed  
JEANNE M. FOX  
PRESIDENT

signed  
FREDERICK F. BUTLER  
COMMISSIONER

signed  
CAROL J. MURPHY  
COMMISSIONER

signed  
CONNIE O. HUGHES  
COMMISSIONER

signed  
JACK ALTER  
COMMISSIONER

ATTEST:

signed

KRISTI IZZO  
SECRETARY